(c)

(i) introducing an expression vector into said incubating embryogenic callus to produce transformed embryogenic callus, wherein said expression vector comprises a selectable marker gene and a second foreign gene, or

(ii) introducing two expression vectors into said incubating embryogenic callus to produce transformed embryogenic callus, wherein one of said expression vectors comprises a selectable marker gene, and wherein the second of said expression vectors comprises a second foreign gene; wherein the vector or vectors are introduced into the incubating embryogenic callus by co-incubating the callus with Agrobacterium tumefaciens containing the vector or vectors~~,~~ or by microprojectile-mediated delivery of the vector into the callus~~, or by electroporation~~;

(d) culturing said transformed embryogenic callus on selection medium;

(e) culturing said transformed embryogenic callus containing embryos on developmental medium containing an osmotic pressure increasing agent;

(f) culturing said transgenic embryos on maturation medium; and

(g) recovering transgenic plants from said transgenic embryos.

39. (Four Times Amended) A method for producing transgenic poinsettia plants, comprising:

(a) incubating poinsettia plant tissue explants that produce reddish epidermal callus in auxin- and cytokinin-containing callus induction medium;

(b) subculturing embryogenic callus produced on said callus induction medium ~~in~~ to liquid NH_4^+ and/or NO_3^- containing embryo induction medium;

(c) filtering the culture and culturing the filtrate in fresh liquid embryo induction medium;

(d) filtering the culture and culturing the filtrate on solid embryo induction medium;

(e) subculturing embryos produced on said embryo induction medium ~~on~~ to maturation medium;

(f) culturing said embryos on callus induction medium;

(g) culturing epidermal callus produced on said callus induction medium on embryo induction medium to form embryogenic callus;

(h)

(i) introducing an expression vector into said embryogenic callus to produce transformed embryogenic callus, wherein said expression vector comprises a selectable marker gene and a second foreign gene, or

(ii) introducing two expression vectors into said embryogenic callus to produce transformed embryogenic callus, wherein one of said expression vectors comprises a selectable marker gene, and wherein the second of said expression vectors comprises a second foreign gene; wherein the vector or vectors are introduced into the incubating embryogenic callus by co-incubating the callus with Agrobacterium tumefaciens containing the vector or vectors~~;~~ or by microprojectile-mediated delivery of the vector into the callus~~, or by electroporation~~;

(i) culturing said transformed embryogenic callus on selection medium;

(j) culturing said transformed embryogenic callus containing embryos on developmental medium containing an osmotic pressure increasing agent;

(k) culturing said transformed embryos on maturation medium; and

(l) recovering transgenic plants from said transgenic embryos.

103. (Amended) A method for producing transgenic poinsettia plants comprising the steps of:

(a) incubating poinsettia plant tissue explants that produce epidermal callus on auxin- and cytokinin-containing callus induction medium;

(b) subculturing embryogenic callus produced on said callus induction medium ~~in~~ to liquid embryo induction medium comprising casein hydrolysate and NH_4^+ and/or NO_3^-;

(c) filtering the culture and culturing the filtrate in fresh liquid embryo induction medium;

(d) filtering the culture and culturing the filtrate on solid embryo induction medium;

(e) subculturing embryos produced on said embryo induction medium ~~on~~ to maturation medium;

(f) culturing said embryos on callus induction medium;

(g) culturing embryogenic callus produced on said callus induction medium on embryo induction medium to form embryogenic callus containing embryos;

(h)

(i) introducing an expression vector into said incubating embryogenic callus to produce transformed embryogenic callus, wherein said expression vector comprises a selectable marker gene and a second foreign gene, or

(ii) introducing two expression vectors into said incubating embryogenic callus to produce transformed embryogenic callus, wherein one of said expression vectors comprises a selectable marker gene, and wherein the second of said expression vectors comprises a second foreign gene;

(i) culturing said transformed embryogenic callus on selection medium;

(j) culturing said transformed embryogenic callus containing embryos on developmental medium containing an osmotic pressure increasing agent;

(k) culturing said transformed embryos on maturation medium; and

(l) recovering transgenic plants from said transgenic embryos.

REMARKS

The applicants thank the Examiner for pointing out the errors in the claims. Appropriate corrections have been made, as can be observed in the enclosed claim listings.

Claims 39 and 103 have been amended as suggested on page 4 of the Office Action to replace "culturing" with "subculturing" and "in" with "to." While the applicants believe the claims were clear to those skilled in the art, they make these amendments to make the claims even clearer. It is believed these amendments do not change the scope of the claims.

Enclosed herewith is a revised Declaration of the inventors that addresses the issues raised in the Office Action.